

ABC OFFENSES FOR WHICH COURT APPEARANCE MAY BE WAIVED

(on execution of written waiver of appearance and trial, and plea of guilty/responsible)

(Adopted by the Conference of Chief District Court Judges, September 29, 2004 pursuant to N.C.G.S. 7A-148)

**Applies To Offenses Committed On Or After
December 1, 2004**

- 1. **Mail Alcoholic Beverages:**
Had alcoholic beverage (mailed) (shipped) from outside this State without having the appropriate ABC permit. [G.S. 18B-109(a)] \$ 25 and Costs
- 2. **Consume On Off-premises:**
(Consume) (Being a permittee, allow consumption of) (malt beverages) (unfortified wine) on premises having only an off-premises permit, to wit: (give address or identify). [G.S. 18B-300(b)] \$ 25 and Costs
- 3. **Consume At ABC Store:**
(Consume) (Offer to another person) (fortified wine) (spirituous liquor) (mixed beverages) on premises of ABC store or on property used or occupied by local ABC board, to wit: (name or give address of store or property). [G.S. 18B-301(f)] \$ 25 and Costs
- 4. **Consume On Street Or Sidewalk:**
(Consume) (Offer to another person) (fortified wine) (spirituous liquor) (mixed beverages) on a (public road, street, highway) (sidewalk), to wit: (identify street or sidewalk). [G.S. 18B-301(f)] \$ 10 and Costs
- 5. **Public Display At Athletic Contest:**
Display publicly (fortified wine) (spirituous liquor) (mixed beverage) at (name event), an athletic contest. [G.S. 18B-301(f)] \$ 25 and Costs
- 6. **Possess/Consume On Unauthorized Premises:**
(Possess) (Consume) (fortified wine) (spirituous liquor) (mixed beverages) upon premises (give address or identify) where such (possession) (consumption) is not authorized by law. [G.S. 18B-301(f)] \$ 10 and Costs
- 7. **Possess/Consume After Prohibited:**
(Possess) (Consume) (fortified wine) (spirituous liquor) (mixed beverages) while on premises (give address or identify) where a person has been forbidden to (possess) (consume) beverages by the (owner) (person in charge) of the premises, to wit: (name person). [G.S. 18B-301(f)] \$ 25 and Costs
- 8. **Possess Beer/Unfortified Wine by 19- Or 20- Year-Old:**
Possess (malt beverage) (unfortified wine) by a person (19) (20) years old. [G.S. 18B-302(b), (i)] \$ 25 and Costs
- 9. **Possession Of Open Container Of Alcoholic Beverage In Motor Vehicle [G.S. 20-138.7(a1)]** \$ 10 and Costs
- 10. **Sell To Intoxicated Person:**
Being (a permittee) (a permittee’s employee) (an ABC store employee) (sell) (give) any alcoholic beverage to a person known to him to be intoxicated. [G.S. 18B-305(a)] \$ 100 and Costs
- 11. **Sell/Consume At Raffle/Bingo:**
Being the (owner) (person in charge) of the premises (sell) (consume) (allow the [sale] [consumption] of) any alcoholic beverage in a room while a (raffle) (bingo) game is being conducted. [G.S. 18B-308] \$ 50 and Costs
- 12. **Transport Unfortified Wine Without Permit:**
Transport more than 20 liters of unfortified wine, without the appropriate purchase-transportation permit. [G.S. 18B-400; G.S. 18B-102(a)] \$ 10 and Costs
- 13. **Transport Spirituous Liquor/Fortified Wine Without Permit:**
Transport more than 8 liters of (fortified wine) (spirituous liquor) (fortified wine and spirituous liquor combined) without the appropriate purchase-transportation permit. [G.S. 18B-400; G.S. 18B-102(a)] \$ 10 and Costs

(over)

14. **Transport Open Container Of Fortified Wine/Spirituos Liquor:**
Transport 1 liter or less tax-paid (fortified wine) (spirituos liquor) in passenger area of motor vehicle in other than the manufacturer's unopened original container. [G.S. 18B-401(a)]\$ 25 and Costs
15. **Beer/Wine Drinking By Driver:**
Consume (malt beverages) (unfortified wine) while driving a motor vehicle on a highway or public vehicular area. [G.S. 18B-401(a)]\$ 25 and Costs
16. **Transport In For-Hire Vehicle:**
Transport in a for-hire vehicle over 8 liters of (fortified wine) (spirituos liquor) (a combination of fortified wine and spirituos liquor) owned by a passenger in said vehicle. [G.S. 18B-401(b)]\$ 10 and Costs
17. **Bring Alcohol Into State:**
Bring into North Carolina alcoholic beverages purchased out of State in amounts greater than (that which may be legally transported within the State) (4 liters of spirituos liquor). [G.S. 18B-402; G.S. 18B-102(a)]\$ 10 and Costs
18. **Transport Unfortified Wine With Permit:**
Transport over 100 liters of unfortified wine while possessing a purchase-transportation permit. [G.S. 18B-403(a); G.S. 18B-102(a)]\$ 10 and Costs
19. **Transport Fortified Wine/Spirituos Liquor With Permit:**
Transport over 40 liters of (fortified wine) (spirituos liquor) (fortified wine and spirituos liquor combined) while possessing a purchase-transportation permit. [G.S. 18B-403(a); G.S. 18B-102(a)]\$ 10 and Costs
20. **Transport More Fortified Wine/Spirituos Liquor Than Allowed By Permit:**
Transport more than the amount of (fortified wine) (spirituos liquor) specified on the purchase-transportation permit of a mixed beverage permittee. [G.S. 18B-403(a); G.S. 18B-102(a)]\$ 50 and Costs
21. **Fail To Display Permit:**
Failed to display purchase-transportation permit to a law enforcement officer upon request. [G.S. 18B-403(e)]\$ 10 and Costs
22. **Violation Of Local Ordinance [G.S. 18B-300(c)]:**
 - i. Consume (malt beverages) (unfortified wine) on public street or on property owned, occupied or controlled by the (City of _____) (County of _____) in violation of (give citation and caption of local ordinance that prohibits consumption)\$ 10 and Costs
 - ii. Possess open container of (malt beverages) (unfortified wine) on public street or on property owned, occupied or controlled by the (City of _____) (County of _____) in violation of (give citation and caption of local ordinance that prohibits open containers)\$ 10 and Costs
 - iii. Possess (malt beverages) (unfortified wine) on public street, alley, or parking lot temporarily closed by (City of _____) (County of _____) in violation of (give citation and caption of local ordinance that prohibits open possession)\$ 10 and Costs
23. **Littering [under G.S. 14-399(c) only]**\$ 250 and Costs
24. **Littering [under G.S. 14-399(c1) only]**\$ 25 and Costs

OTHER POLICIES RELATING TO ABC OFFENSES:

1. G.S. 7A-148 provides that the Conference of Chief District Court Judges shall prepare a "uniform schedule" of waivable ABC offenses under G.S. Chapter 18B and shall otherwise promote the "uniform administration of justice." In accordance with this statutory mandate, all judicial districts must adhere to this schedule, and individual judicial district policies deviating from this schedule are prohibited.
2. An offense is not waivable if the defendant has been convicted of any violation of the ABC laws within the previous two years; provided however offenses under G.S. 18B-302(i) shall be waivable notwithstanding any violations of the ABC laws within the previous two years.
3. When a defendant is charged with two offenses arising out of the same transaction and both are waivable under this schedule, they should be charged on the same citation. If additional waivable offenses are charged, a separate citation should be used for each two additional offenses.
4. When two charges are made on a citation, the defendant shall be fined only for the offense carrying the highest fine, and only one bill of costs will be assessed.
5. When a defendant is charged on the same citation with an offense waivable under this schedule and one offense that is not waivable, the defendant must appear in court to answer both the waivable and non-waivable charge.
6. This schedule does not apply to littering charges under G.S. 14-399(c) or (c1), if the defendant is charged with a second offense under the subsection.